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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Walke *et al.*

Application No.: 09/818,990

Filed: March 27, 2001

Title: Novel Human Proteins and Polynucleotides
Encoding the Same



Group Art Unit: 1645

Examiner: Not Yet Assigned

COPY OF PAPERS
ORIGINALLY FILED

Attorney Docket No.: LEX-0152-USA

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE
AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures ("the present Notice") mailed January 28, 2002, in connection with the above-identified application, Applicants submit herewith: (i) a Sequence Listing in computer readable form pursuant to 37 C.F.R. §1.821(e); and (ii) a Verified Statement Concerning Sequence Listing Under 37 C.F.R. § 1.821(f). Applicants respectfully request the entry of the computer readable form of the Sequence Listing into the file.

With the present Notice, Applicants were provided with a Withdrawal of Previously Sent Notice referring to the Notice of Incomplete Reply (Nonprovisional) dated November 26, 2001. The Notice of Incomplete Reply concerned Sequence Disclosures that were sent by Applicants to the Patent and Trademark Office with the Response to Notice to File Missing Parts, dated May 23, 2001; thus, a Notice to Comply should have been issued instead. This fact was confirmed during a telephone conference between Applicants' representative Mr. David Hibler and Customer Service Representative Ms. Stokes. During the telephone conference, Ms. Stokes indicated that the present Notice would be sent, and that the Notice of Incomplete

Reply dated November 26, 2001, should be disregarded, as confirmed by the Withdrawal of Previously Sent Notice. Therefore, Applicants are providing herewith the required items identified on the present Notice.

Applicants believe that no fee is due in connection with this response. However, the Commissioner is authorized to charge any required fee to Deposit Account No. 50-0892.

Respectfully submitted,

2-12-02
Date

Lance K. Ishimoto by David W. Haber *DAVID W. HABER*
Lance K. Ishimoto *REG. NO. 41,071*
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PTO/SB/21 (08-00)

Approval for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM


(to be used for all correspondence after initial filing)

Application Number	09/818,990
Filing Date	Mar 27, 2001
First Named Inventor	Walke, D. Wade
Group Art Unit	1645
Examiner Name	Not Yet Assigned
Attorney Docket Number	LEX-0152-USA
Total Number of Pages in This Submission	5

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	- Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	- Response to Notice to Comply
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	- Sequence Listing in CRF on diskette
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	- Return copy of Notice to Comply
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Lance K. Ishimoto, Reg. No. 41,866 Lexicon Genetics Incorporated	
Signature	<i>Lance K. Ishimoto by David W. Haber</i> DAVID W. HABER REG. NO. 41,071	24231 PATENT TRADEMARK OFFICE
Date	February 12, 2002	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: February 12, 2002			
Typed or printed name	Michelle Klein		
Signature	<i>Michelle Klein</i>	Date	February 12, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/818,990	03/27/2001	D. Wade Walke	LEX-0152-USA

24231
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CONFIRMATION NO. 9270
FORMALITIES LETTER



Date Mailed: 01/28/2002

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application OR a substitute computer readable form (CRF) copy of the "Sequence Listing". These two items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE